

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| ----- | x |
| MERCK EPROVA AG and MERCK KGaA | : |
| Plaintiffs, | : |
| -against- | : |
| PROTHERA, INC., | : |
| Defendant. | : |
| ----- | x |

08 Civ. 35 (RMB)

**DECLARATION OF
J. CHRISTOPHER JENSEN**

J. Christopher Jensen hereby declares under penalty of perjury the following:

1. I am a member of the state bar of New York and am admitted to practice before this Court. I am a partner with Cowan, Liebowitz & Latman, P.C., counsel to Defendant ProThera, Inc., ("ProThera"). I have personal knowledge of all of the following facts and, if called and sworn as a witness, could and would competently testify thereto.

2. Attached hereto as Exhibit A is a true and correct copy of the Original Complaint in the action of *Sciele Pharma, Inc. v. Brookstone Pharm., LLC*, 1:09-CV-3283 (Nov. 23, 2009 N.D. Ga.).

3. Attached hereto as Exhibit B is a true and correct copy of a selection from the transcript of Volume II of the deposition of Janet Ralston, taken in this action on December 10, 2008.

Dated: New York, New York
August 3, 2010

/s/ J. Christopher Jensen
J. CHRISTOPHER JENSEN